

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

BLUE SPIKE, LLC,

*Plaintiff,*

v.

TEXAS INSTRUMENTS, INC., *et al.*,

*Defendants.*

Civil Action No. 6:12-CV-499-LED

**JURY TRIAL DEMANDED**

**PLAINTIFF'S REPLY IN RESPONSE TO DEFENDANTS  
ROVI CORP. AND ROVI GUIDE'S COUNTERCLAIMS**

Plaintiff Blue Spike, LLC files this Reply to the Counterclaims of Rovi Corporation and Rovi Guides, Inc. (“Rovi” or “Defendants”) (Dkt. No. 208) as follows. All allegations not expressly admitted or responded to by Plaintiff are denied.

**NATURE AND BASIS OF ACTION**

1. Plaintiff admits the allegations of Paragraph 1.

**PARTIES**

2. Plaintiff admits the allegations of Paragraph 2.

3. Plaintiff admits the allegations of Paragraph 3, upon information and belief.

4. Plaintiff admits the allegations of Paragraph 4, upon information and belief.

**JURISDICTION AND VENUE**

5. Plaintiff admits that Defendants purport to bring an action for declaratory judgment and that this Court has subject matter jurisdiction over Defendants' counterclaims.

6. Plaintiff admits that venue is proper in this district, and therefore denies the remaining allegations of Paragraph 6.

7. Plaintiff admits the allegations of Paragraph 7.

**GENERAL ALLEGATIONS**

8. Plaintiff admits the allegations of Paragraph 8.
9. Plaintiff admits the allegations of Paragraph 9.
10. Plaintiff admits the allegations of Paragraph 10.

**COUNT ONE: DECLARATORY JUDGMENT OF  
NON-INFRINGEMENT OF THE '175 PATENT**

11. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 10 above.
12. Plaintiff admits the allegations of Paragraph 12.
13. Plaintiff denies the allegations of Paragraph 13.
14. Plaintiff admits the allegations of Paragraph 14.
15. Plaintiff denies the allegations of Paragraph 15.

**COUNT TWO: DECLARATORY JUDGMENT OF  
NON-INFRINGEMENT OF THE '494 PATENT**

16. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 15 above.
17. Plaintiff admits the allegations of Paragraph 17.
18. Plaintiff denies the allegations of Paragraph 18.
19. Plaintiff admits the allegations of Paragraph 19.
20. Plaintiff denies the allegations of Paragraph 20.

**COUNT THREE: DECLARATORY JUDGMENT OF  
NON-INFRINGEMENT OF THE '700 PATENT**

21. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 20 above.
22. Plaintiff admits the allegations of Paragraph 22.

23. Plaintiff denies the allegations of Paragraph 23.
24. Plaintiff admits the allegations of Paragraph 24.
25. Plaintiff denies the allegations of Paragraph 25.

**COUNT FOUR: DECLARATORY JUDGMENT OF  
NON-INFRINGEMENT OF THE '472 PATENT**

26. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 25 above.
27. Plaintiff admits the allegations of Paragraph 27.
28. Plaintiff denies the allegations of Paragraph 28.
29. Plaintiff admits the allegations of Paragraph 29.
30. Plaintiff denies the allegations of Paragraph 30.

**COUNT FIVE: DECLARATORY JUDGMENT OF  
INVALIDITY OF THE '175 PATENT**

31. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 30 above.
32. Plaintiff denies the allegations of Paragraph 32.
33. Plaintiff admits the allegations of Paragraph 33.
34. Plaintiff denies the allegations of Paragraph 34.

**COUNT SIX: DECLARATORY JUDGMENT OF  
INVALIDITY OF THE '494 PATENT**

35. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 34 above.
36. Plaintiff denies the allegations of Paragraph 36.
37. Plaintiff admits the allegations of Paragraph 37.
38. Plaintiff denies the allegations of Paragraph 38.

**COUNT SEVEN: DECLARATORY JUDGMENT OF  
INVALIDITY OF THE '700 PATENT**

39. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 38 above.
40. Plaintiff denies the allegations of Paragraph 40.
41. Plaintiff admits the allegations of Paragraph 41.
42. Plaintiff denies the allegations of Paragraph 42.

**COUNT EIGHT: DECLARATORY JUDGMENT OF  
INVALIDITY OF THE '472 PATENT**

43. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 42 above.
44. Plaintiff denies the allegations of Paragraph 44.
45. Plaintiff admits the allegations of Paragraph 45.
46. Plaintiff denies the allegations of Paragraph 46.

**REQUEST FOR RELIEF**

Plaintiff denies that Defendant is entitled to any of the relief it requests.

**PLAINTIFF'S PRAYER FOR RELIEF**

In addition to the relief requested in Plaintiff's Original Complaint, Plaintiff respectfully requests a judgment against Defendant as follows:

- (a) That Defendant take nothing by its Counterclaims;
- (b) That the Court award Plaintiff its costs and attorneys' fees incurred in defending against these Counterclaims; and
- (c) Any and all further relief for the Plaintiff as the Court may deem just and proper.

Dated: December 11, 2012

Respectfully submitted,

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*Counsel for Blue Spike, LLC*

**CERTIFICATE OF SERVICE**

I, Randall T. Garteiser, am the ECF User whose ID and password are being used to file this document. I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this day. Pursuant to Federal Rule of Civil Procedure 5, today this document was served via U.S. Mail and electronic means to counsel for Defendant that are not receiving this document via CM/ECF.

/s/ Randall T. Garteiser  
Randall T. Garteiser